

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # _____

Rogers

USCA NO. _____

-v-

SDNY NO. 07cv10565

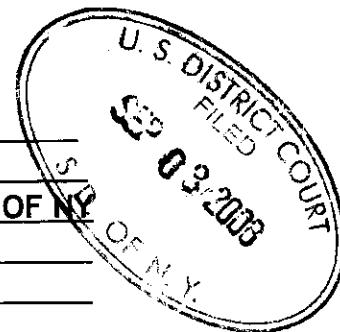
JUDGE: LBS

DATE: 9 / 3 / 2008

The City of New York et al

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
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500 PEARL STREET, NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 3rd Day of September, 2008.

**United States District Court for
the Southern District of New York**

Phyllis Rogers

-V-

The City of New York et al

Date: 9/3/2008

U.S.C.A. # _____

U.S.D.C. # 07cv10565

D.C. JUDGE LBS

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 11, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3rd Day of September In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233rd year.

J. Michael McMahon, Clerk

By



Deputy Clerk

APPEAL

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-10565-LBS
Internal Use Only

Rogers v. The City of New York et al
Assigned to: Judge Leonard B. Sand
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 11/26/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
11/26/2007	1	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Kimba M. Wood on 11/20/2007) (mbe) (Entered: 12/05/2007)
11/26/2007	2	COMPLAINT against The City of New York, Housing Prevention & Development, Civil Court of New York. Document filed by Phyllis Rogers.(mbe) (Entered: 12/05/2007)
11/26/2007		Magistrate Judge Frank Maas is so designated. (mbe) (Entered: 12/05/2007)
03/07/2008	3	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint served. The City of New York served on 3/4/2008, answer due 3/24/2008. Service was accepted by S. Bonit. Document filed by Phyllis Rogers. (dle) (Entered: 03/10/2008)
03/14/2008	4	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint served. Housing Prevention & Development served on 3/10/2008, answer due 3/30/2008. Service was accepted by Ms. Mildred Shirley (H.P.D. Clerk). Document filed by Phyllis Rogers. (djc) (Entered: 03/17/2008)
03/20/2008	5	MOTION for an order to Dismissing this action pursuant to F.R.C.P. 12(b)(6) as against Defendants City of New York and Housing Preservation & Development on the ground that the complaint fails to state a claim upon which relief can be granting. Document filed by The City of New York, Housing Prevention & Development.(pl) (Entered: 03/21/2008)
03/20/2008	6	MEMORANDUM OF LAW in Support re: 5 MOTION to Dismiss.. Document filed by The City of New York, Housing Prevention & Development. (pl) (Entered: 03/21/2008)
04/10/2008		Minute Entry for proceedings held before Judge Leonard B. Sand: Oral Argument held on 4/10/2008 re: 5 MOTION to Dismiss; Cancelled. No appearance by plaintiff. Fully submitted. Decision reserved.(djc) (Entered: 04/16/2008)
05/13/2008	7	ORDER: Plaintiff did not submit an opposition to the Motion to Dismiss, and failed to appear at oral argument held on April 10, 2008. If plaintiff wishes to oppose defendant's motion to dismiss,she is directed to do so in writing by June 13, 2008. If plaintiff fails to oppose this motion, this action may be dismissed. (Signed by Judge Leonard B. Sand on 5/13/2008) Copies Mailed By Chambers.(jfe) (Entered: 05/13/2008)
05/13/2008		Set/Reset Deadlines as to 5 MOTION to Dismiss. Responses due by 6/13/2008 (jfe) (Entered: 05/27/2008)
06/04/2008	8	AFFIRMATION of Phyllis Rogers in Opposition re: 5 MOTION to Dismiss. Document filed by Phyllis Rogers. (rw) (Entered: 06/04/2008)
06/23/2008	9	DECLARATION of Jack Stoller. Document filed by Housing Prevention & Development. (rw) (Entered: 06/23/2008)
07/30/2008	10	MEMORANDUM AND ORDER: granting 5 Motion to Dismiss. For the reasons further set forth in this Memorandum and Order, defendant's motion to dismiss is GRANTED. Plaintiff's causes of action against the City of New York, and the Civil Court of New York are hereby DISMISSED. SO ORDERED. (Signed by Judge Leonard B. Sand on 7/30/2008) (tve) (Entered: 07/30/2008)
08/20/2008	11	NOTICE OF APPEAL from 10 Order on Motion to Dismiss. Document filed by Phyllis Rogers. Copies mailed to attorney(s) of record: Corporation Counsel. (tp) (Entered: 09/02/2008)
08/20/2008		Appeal Remark as to 11 Notice of Appeal filed by Phyllis Rogers. NO FEE. IFP GRANTED 11/20/07.(tp) (Entered: 09/02/2008)
09/02/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 11 Notice of Appeal. (tp) (Entered: 09/02/2008)
09/02/2008		Transmission of Notice of Appeal to the District Judge re: 11 Notice of Appeal. (tp) (Entered: 09/02/2008)